

MINUTES

December 7, 2007

Minutes of the meeting of the State Board of Education held December 7, 2007, at the Utah State Office of Education, Salt Lake City, Utah. Meeting commenced at 10:20 a.m.

Chairman Kim R. Burningham presided.

Members present were:

Chairman Kim R. Burningham
Vice Chairman Janet A. Cannon
Member Dixie L. Allen
Member Laurel O. Brown
Member Rosanita Cespedes
Member Mark Cluff
Member Bill Colbert
Member Thomas Gregory
Member Greg W. Haws
Member Michael G. Jensen
Member Randall A. Mackey
Member Cyndee Miya
Member Denis R. Morrill
Member Richard E. Moss
Member Debra G. Roberts
Member Richard Sadler
Member Teresa L. Theurer

Also present were:

Superintendent Patti Harrington
Associate Superintendent Brenda Hales
Associate Superintendent Judy Park
Associate Superintendent Larry Shumway
Executive Director, USOR, Don Uchida
Public Affairs Director, Mark Peterson
Board Secretary Twila B. Affleck

Members of the Press:

Jennifer Toomer-Cook, Deseret Morning News
Lisa Schencker, Salt Lake Tribune
Beth Young, Standard Examiner
Sue Carey, Utah PTA
Lori Hawthorne, Utah Association of Assessment Directors
Holly Langton, Utah PTA

Welcome and Student Achievement Spotlight

_____ Chairman Burningham called the meeting to order.

Member Thomas Gregory lead the Board in the Pledge of Allegiance.

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Chairman Burningham introduced students from the Salt Lake School of the Performing Arts, Charter School under the direction of Shalee Schmidt, Director. The students performed holiday music for the Board.

Board Member Richard Sadler offered opening remarks by sharing some comments from Charles Kettering, relative to preparing students for the future. He then offered a prayer.

Chairman Burningham expressed appreciation to all board members, Superintendent Harrington and all the staff at the State Office of Education. He indicated that he felt they were all great friends. He then shared three quotations about friendship.

Board Standing Committee Reports

Law & Policy Committee

Member Debra G. Roberts presented the following recommendations from the Committee:

Educator Licensing and Data Retention R277-502

Title 53A, Chapter 6 outlines rules for “Educator Licensing and Professional Practices.” Section 104 specifically refers to the licensure which in practice is governed by Board Rule 277-502. Upon reviewing this rule, the following changes need to be made:

1. Align rules with updated practices and codes.
2. Update language in rule to ensure compatibility with practice.
3. Reassign sections to appropriate rule.

The K-16 Alliance and the Utah School Superintendents Association have both recommended the addition of a new K-6 area of concentration. The recommendations from both groups specifically note the increasing shortage of teachers and the need for flexibility that this change would provide. The proposed change has been presented to both public and higher education groups, but there is not, nor is there likely to be, a consensus among all interested parties as to appropriate action.

The proposed amendments in R277-502-5 add a license area of concentration. The amendments do not eliminate any current area of concentration. Institutions of higher education (IHEs) that wish to offer a program for preparation and recommend licensure candidates in this new K-6 area of concentration would seek program approval in the same way that they would for any other new program. IHEs that wish to continue their current K-3 and 1-8 programs may do

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so and may continue to recommend candidates for licensure with these existing areas of concentration. The proposed rule change will not require that educators licensed in the present areas of concentration move to the new area of concentration.

The Committee added an amendment to adopt the addition of K-6, Line 44-55 adding elementary (K-6) prior to Elementary (1-8).

The Committee reviewed the amendments to the rule with the inclusion of the elementary (K-6), and approved it on first reading and moves that the Board approve R277-502, Educator Licensing and Data Retention on second reading. Motion carried with Members Allen, Brown, Cannon, Cluff, Colbert, Gregory, Jensen, Mackey, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Haws absent.

(For complete details see General Exhibit No. 10415.)

Educator Evaluation and HB 382

The implementation of HB 382 has focused attention on educator evaluation. The statute requires that “salary adjustments may be awarded only to educators who have received a satisfactory rating or above on their most recent evaluation.” Reports from LEAs on the relatively few educators who did not qualify due to less than satisfactory evaluations suggest that discussion of evaluation procedures as they relate to HB 382 will be useful.

The Committee heard reports from a district superintendent and a district human resource director on the implementation of HB 382 at the district level, with specific information relative to the evaluation requirement and its implementation. (For complete details see General Exhibit No. 10416.)

The Committee discussed issues related to HB 382 and educator evaluation issues. They came to the following conclusions: (1) instructed staff to have discussions with Representative Dee relative to the statute so it does not turn the evaluation system into a punitive system; (2) There is a PR situation in Utah with the idea that we do not help teachers who are not performing leave the system. We need many more discussion on this relative to the need to help teachers and public understand how this works; (3) The Board needs to look at how it can help to improve evaluation across the board; and (4) This is not just teachers, but evaluation of all educators including administrators and others in the system.

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There are a lot of issues with HB 382 that did not work smoothly with the system and we would like to work with legislators to let them know we appreciate the increase in salary but we need to find way to make it work more efficiently for districts.

Curriculum Committee

Member Teresa Theurer Chair of the Curriculum Committee presented the following recommendations from the Committee:

Accreditation of Schools

In accordance with State Board rule (R277-413) schools in Utah that grant credit toward high school graduation and/or diplomas must be accredited by Northwest Association of Accredited Schools (Northwest). The recommendations of the Utah State Accreditation Committee and Northwest reflect the status of schools with respect to the state and Northwest standards. The Utah State Accreditation Committee has reviewed the Annual Northwest Report as submitted by member schools and determined an accreditation status.

Middle level and junior high schools are accredited by USOE using the Northwest standards and Utah's accreditation process for school improvement "*Collaborating for Student Achievement*." The accreditation process provides an important vehicle for school accountability regarding student achievement compliance with state rules and regulations, regional standards, and schoolwide improvement.

The Committee received a summary report of the accreditation status for all Northwest accredited schools in Utah and those middle level and junior high schools accredited by USOE from staff.

The accreditation status of Utah schools will be released to the public. It is anticipated that schools not meeting the standards will make appropriate changes in order to fulfill the standards in which they are deficient prior to their next accreditation report and review.

(For complete details, see General Exhibit No. 10417.)

The Curriculum Committee reviewed the list of Utah state accredited schools and approved the recommendations of the Utah State Accreditation Committee and the Northwest Association of Accredited Schools regarding the accreditation status of Northwest schools.

Motion from the Committee that the Board approve the recommendations of the Utah State Accreditation Committee and the Northwest Association of Accredited Schools. Motion

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carried with Members Allen, Brown, Cannon, Cluff, Colbert, Gregory, Jensen, Mackey, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Haws absent.

Attendance As It Relates to Extracurricular Activities

Members of the Richard and Lynn Price family met with Board Chair Kim Burningham, Board Member, Teresa Theurer, Superintendent Harrington and Associate Superintendent Larry Shumway, expressing concerns about the methods by which absences for school events are recorded in teachers' grade books as well as how they are handled in school and district attendance policies. They had particular concern about how some students seem to be penalized for participating in more than one extracurricular activity, due to teacher/coach policies or actions. They asked the board to review their policies regarding attendance with a careful focus on how absences are excused, whether or not excused absences are allowed to be "made up" and whether or not absences (excused or not) should be a part of a student's grade.

The Curriculum Committee discussed the request and where the state fits into all of this, but a lot of these are district or school issues. There is some responsibility of the State Board to make sure what is happening to students is in their best interest. (For complete details see General Exhibit No. 10418.)

The Committee asked staff to explore the possibility of a rule that would require teachers, coaches, advisors or whoever is charge of a group of kids in extra curricular activities to let the students and parents know before the class or season starts what is expected as far as attendance is concerned. Further to have this concern brought before the next Utah School Superintendents Association meetings to let them know we are considering the rule and would like their input as we proceed with this. Also, involve the Utah High School Activities Association as well in the process. Member Theurer indicated the next meeting of the UHSAA is in January and she will request to be on the agenda to discuss this and receive input from them.

Member Tom Gregory voiced concern that this is not an issue the Board should get involved in at this time because it is a local issue, not only at the district but at the school and classroom level.

Recognition of Milken Educator of the Year

The Board recognized Jennifer Van Haaften, an eighth grade U.S. History and Language Arts teacher from Butler Middle School in Salt Lake City as the 2007 Milken Educator of the Year from Utah. Ms. Van Haaften implemented a Success through Citizenship program to

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teach citizenship, rights, respect and responsibility, and was part of the teacher team that earned Butler a grant as a First Amendment School – one of only 11 middle schools nationwide to receive this honor – through which educators raise awareness of issues surrounding the First Amendment. She volunteers her time training and preparing students to participate in the Future Problem Solving program, with her students typically placing in one of the top three slots at the district and state levels. As head of the social studies department, Van Haaften helped lead the school in establishing grade-level and cross-curricular collaborative teaching teams. Ms. Van Haaften was presented the obelisk from the Milken Foundation.

Board Standing Committee Reports Cont.

Finance Committee

Member Mark Cluff, Chair of the Finance Committee presented the following recommendations from the Committee:

Standards for Selling Foods Outside of the Reimbursable Meal Service in Schools, R277-719

In its November meeting, the full Board passed on first reading R277-719, Standards for Selling Foods Outside of the Reimbursable Meal Service in Schools with these modifications:

- R277-719-4-B Changed “shall” to “may”
- R277-719-4-B-(3)(e) & (f) Changed to make an exception for 100% fruit or vegetable juice with no added sugars, fruits, vegetables, nonfat or low-fat milk and yogurt;

The Committee made the following amendments, Line 92 the may was returned to shall; and they added a new section 5 stating when the provision becomes effective [no later than July 2, 2008 or when existing contracts expire]; and that a copy of their policy will be sent to the office by January 12, 2009.

(For complete details, see General Exhibit No. 10419.)

The Finance Committee reviewed the amendments including those identified above, and approved R277-719 on second reading and moves that the Board approve Standards for Selling Foods Outside of the Reimbursable Meal Service in Schools, R277-719 on third and final reading.

Member Denis Morrill indicated he was not able to participate in the committee meeting last month and explained why he felt the shall should be in the rule because of childhood

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obesity. He indicated that this is a serious enough problem that we need to take the leadership and stand on this issue.

Member Janet Cannon commented that she had voted in favor of the amendment to change the may back to shall because part of the discussion in the committee came from one of the large district indicated often times having a policy deal with the heavy lifting of change is helpful to the district in freeing them of the burden of having to negotiate and deal with the beverage providers. This will also level the playing field across the state for a nutrition policy.

Member Laurel Brown clarified that if the policy remained with the word “may” it would still allow a district to go further and create a shall in their district.

Member Greg Haws requested the motion be split, vote on the shall/may fist and then the addition of Section 5.

Member Mark Cluff reported that the districts he represented would like the opportunity to have the control to do it themselves. He commented that obesity is a terrible issue, but he did not think this would have a significant impact on it. He indicated that there are excellent recommendations laid out in the rule.

Member Richard Sadler voiced concern that if we pass this as it is currently worded with shall it is not a choice for the districts, it is a mandate. He commented that he felt we need to examine our role as a State Board. We sometimes need to step back and put the onus on the district.

Motion was made by Member Sadler to amend the motion to change the wording back to may. Chairman Burningham rules the motion out of order.

Member Teresa Theurer commented that six of the seven districts she represents want it to say may, however, she personally would like the shall.

Member Josh Reid commented that if he were able to vote he would vote to change the may to shall.

Member Dixie Allen commented that the federal government asked districts to write this policy two years ago. Every district in the state has a policy. It may not be worded the same as our or have some of the good information that is in ours, but it would be a slap in the face to say to districts we don’t think you have done your job and instead of supporting you in what you are trying to do, we are going to take it out of your hands and do it for you.

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Member Tom Gregory commented that the policy goes beyond what districts have. He spoke in favor of changing it to shall, but he can see where it needs to be may. He voiced concern that there has not been a discussion with the districts relative to changing the wording to shall, therefore he will not be able to vote for the amendment.

Member Debra Roberts commented that she believes in local control and decision making, and the responsibility should be at the local level.

Member Bill Colbert commented that he believes it does not have any weight if it is worded may.

Motion as divided changing the word may to shall failed with Members Cannon, Colbert, Mackey and Morrill voting in favor; Members Allen, Brown, Cluff, Gregory, Haws, Jensen, Moss, Roberts, Sadler and Theurer opposed. The wording will remain "may."

Second amendment of the addition of a new Section 5, line 116-125, adding 2009 following January 12; and deleting R277-719-4, carried unanimously.

Capital Equalization Resolution: Review and Discussion

In the November Finance Committee meeting, two district business officials reviewed proposals presented at the October 29, 2007 Legislative Equalization Task Force meeting and discussed how these would impact districts and charter schools. The full Board was given the packet presented by these individuals to take home and study. The Board does not support the concept of a building authority which would add another level of bureaucracy and felt they need to look at the concept of equity as suggested by the PTA.

Member Cluff reported that there was a meeting of the Task Force on Equalization a new bill was presented by Senator Eastman and as a recommendation from the Task Force was Senator Eastman's bill. Member Cluff stated that currently within the capital foundation there is \$24 million ongoing money which is divided around the state for capital needs. This bill is to add an additional \$28 million ongoing money from income tax to this fund that would then go to school districts who are on the lower end of generating funds with their rates. Right now the requirement is .0024. This would then distribute more income tax money to those school districts. Member Cluff reported that he spoke against this recommendation because the Board did not feel income tax was the area for this money to come from.

The Committee discussed the possibility of a Resolution from the Board and they talked about some recommendations that might come from the board: (1) any distribution of

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money for capital needs, there needs to be a base amount from each district. (2) Look at reducing from the 14 levies bringing it down by combining or freeing them up. This , would allow more local control of how the property tax can be used. (3) freezing the basic levy at a certain rate; and to allow that to grow. And (4) Income tax should not be used for capital equalization. They will be putting something together for the next meeting.

Member Richard Sadler stated that local control in some ways with buildings has not done the job. Therefore, as we look at equalizing it is across the state it very much is a historical issue in the nature of buildings in a variety of districts.

Member Cluff stated that we currently equalize income tax across the state. However, our property tax is not equalized across the state.

The plan is to have a resolution of our position by January meeting.

Board Meeting

Public Participation/Comment

No requests to comment were received.

Executive Session

Motion was made by Member Denis R. Morrill and seconded by Member Thomas Gregory that the Board move into an executive session for the purpose of discussing personnel issues. The Board was polled and by unanimous consent of those present the Board moved into an executive session during lunch at 12:25 p.m.

Motion was made by Member Dixie L. Allen and seconded by Member Teresa Theurer to reconvene into open meeting. Motion carried unanimously. The Board reconvened at 1:15 p.m.

Utah Professional Practices Advisory Commission Recommendations

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation and concur in the recommendation of the hearing panel following a hearing in Case No. 04-702 for consideration of reinstatement of the license of a former educator in the Davis School District be reinstated. The license was previously suspended as a result of the educator shoplifting in excess of \$3,000 worth of merchandise from a retail warehouse. Her actions were mitigated by temporary and unusual circumstances in her personal life. The educator has made significant changes in her life that make repeat behavior

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unlikely. It was noted that the hearing report was reviewed in Executive Session.) Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation in Case No. 07-828, and revoke for 25 years from the date of formal action by the State Board of Education based upon default against a former educator in the Granite School District. This action is because the educator engaged in a sexual relationship with a student. She pled guilty to three second degree felony counts of forcible sexual abuse related to her actions with the minor student. No response, written or verbal, has been received. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation in Case No. 06-789, and revoke for five years from the date of formal action by the State Board of Education based upon default against a former educator in Davis School District. This action is taken following her conviction on two counts of misdemeanor sexual battery. She has an inappropriate relationship with a 17-year old student. She was sentenced to one year in jail, including extensive conditions, and sex offender registration. No response, written or verbal, has been received. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation in Case No. 07-808 and revoke for 25 years from the date of formal action by the State Board of Education based upon default against a former educator in the Jordan School District. This action is taken following his guilty plea to 10 first degree felony counts of attempted aggravated sexual abuse of a child and one county of second-degree felony sex abuse of a child. All counts involved students. No response, written or verbal, has been received. Motion carried unanimously.

Motion was made by Member Thomas Gregory and seconded by Member Mark Cluff to adopt the Commission's recommendation in Case No. 07-826 and accept a stipulated agreement, including conditions of the agreement, whereby a former educator in the Washington School District, voluntarily surrenders his educator license in lieu of a hearing for purposes of suspension of his license for two years from the date of formal action by the State Board of Education. The educator viewed inappropriate sexually-oriented materials using school equipment and during contract ours. Students viewed some of the materials. Motion carried unanimously.

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(For complete details see General Exhibit No. 10420.)

Coalition of Minorities Advisory Committee (CMAC)

Motion was made by Member Denis R. Morrill and seconded by Member Bill Colbert to appoint the following to the Coalition of Minorities Advisory Committee:

Freddie Cooper, African American; Nola Lodge-Hurford - American Indian; Lillian Tsosie-Jensen - American Indian; Daymee Chan - Asian; Eulogio Alejandro - Hispanic/Latino; Soulee LKO Stroud- Pacific Islander; Anapesi Ka'ili - Pacific Islander. All terms expiring 12/31/2009. Motion carried unanimously.

Board Leadership

Motion was made by Member Randall Mackey and seconded by Member Teresa L. Theurer to accept the procedures to be followed in the election of Board leadership as set forth in the e-mail dated 11/28/2007. Motion carried unanimously. (For complete details see General Exhibit No. 10421.)

Chairman Burningham announced that one candidate, Denis Morrill, has withdrawn his name as a candidate for chairman.

All remaining candidates [Dixie Allen, Janet Cannon, Mark Cluff, and Richard Sadler] for chairman were allowed to make brief comments for their candidacy.

Member Dixie Allen withdrew her name prior to the balloting.

Secret ballot were distributed and by a majority vote Richard Sadler was elected Chairman of the Board.

Executive Officer Report

Superintendent Patti Harrington presented the following items of information:

1. Reviewed the Accountability Report. (For complete details see General Exhibit No. 10422.)

2. Don Uchida, Executive Director of the Utah State Office of Rehabilitation reviewed what has happened with the Office of Rehabilitation being placed under a different legislative appropriation subcommittee, Commerce and Workforce. He indicated that this is because they have more time to discuss their issues. There has been some concern that the legislature may want to move the Utah State Office of Rehabilitation under Workforce Services, but there is nothing definitive.

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3. The Governor will present his education budget at a meeting next Monday at 10:00 a.m. in the Governor's Board Room. She invited all board members to be present if possible.

Weber School District - Request for Extension of Audit Submission

4. Weber School District has submitted a request for an extension of the November 30 deadline for submission of a "complete" Independent Audit Report for the period ending June 30, 2007. Dr. Harrington requested the Board take a motion to approve the extension. (For complete details see General Exhibit No. 10423.)

Motion was made by Member Teresa L. Theurer and seconded by Member Dixie L. Allen to approve the request for an extension of the November 30 audit submission deadline to January 11, 2008, for Weber School District. Motion carried unanimously.

Charter School Minor Alterations

5. Superintendent Harrington reported that on occasion there are matters in the Charter School Board deliberations wherein decisions are high profile but not necessarily substantive. For example, the State Charter School Board was reviewing a request from Ranches Academy who would like to have some of their children in the higher grades served by another charter school in the area and open enrollments in the younger grades at their school. This would not change the cap at either school, does not change the authority to start either school, and does not establish a satellite, or establish a feeder system pattern. The Charter School Board is requesting that on minor charter school alterations the Board might empower the State Superintendent to grant as minor charter school charter amendments. These actions would then be reported to the Board in the executive officer report.

Motion was made by Member Teresa L. Theurer and seconded by Vice Chairman Janet A. Cannon to allow the Superintendent the authority requested for schools already authorized and operating, enrollment caps are not exceeded, and quotas and lotteries are not disrupted, with a monthly update to the Board in the Executive Officer report.

Member Richard Sadler suggested that this is a short-term solution and we would like to have staff propose a model for the process, and have the law and policy committee study and identify how this would be done. This was added to the motion.

Member Tom Gregory voiced concern with what issues would be considered a minor change, and a list of what is concerns would fall into this category, and the reaction of the State Charter School Board.

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It was clarified that these issues would come from the State Charter Board recommendations.

Motion carried with Members Allen, Brown, Cannon, Cluff, Colbert, Haws, Jensen, Mackey, Morrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Gregory opposed.

Superintendent Harrington reported that the search for an Associate Superintendent Business and Finance has concluded and she is hopeful to make an announcement on Monday or Tuesday of next week.

Superintendent Harrington reported that she has appointed Larry Shumway as Deputy Superintendent beginning January 2008.

Superintendent Harrington reported that the Board of Regents will meet next Friday, December 14 and will consider action on recommendations related to potential consolidation of the Tooele ATC and the Salt Lake Community College. The studies are calling for consolidation.

Superintendent Harrington shared the Charter School information on enrollment growth, what was projected and the actual count for this year. She also shared the projections for the 2009-2010 school year.

Superintendent Harrington reported that Utah has been recognized by the U.S. Department of Education Data Quality Campaign as one of four states that has implemented all ten of the “essential elements” critical to a longitudinal data system.

Superintendent Harrington commented on the AYP Appeal process issue as it relates to the US Department of Education. The No Child Left Behind law requires that local education agencies (LEAs) determine whether or not they can appeal the adequate yearly progress designation that our office suggests. In practice, test scores come in we run it through the formula of adequate yearly progress, we send it back out to districts and indicate that these schools have made or not made AYP. Districts then collect the information and determine for themselves, one of two things: were there data problems, either in submission or collection or whether or not children were included in the count; or were there circumstances in their district or schools to nullify the accuracy of the report. The process has been that they would send those requests for permission to override the AYP designation to our office and we would determine whether or not we would accept those appeals. This process was stipulated to us in an auditing function of the US Department of Education. It is also included in the guidance for No Child

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Left Behind. However, the law itself says the LEA makes the determination of the appeal. The NCLB law that says one thing and guidance from the auditors telling us something different which is in direct conflict. We have consulted legal help and we have determined that we will error on the side of not overly identifying schools and LEAs shall make their own appeal decisions based upon credible review of the data and review of potential emergency situations. Dr. Harrington indicated that a full discussion will be held in the Curriculum Committee next month for the Board to determine if they would like a rule on this.

Dr. Harrington reported that on December 18 at 1:30 p.m. will be a reporting out of the class size reduction audit. We are not at liberty to discuss at this time.

Chairman Burningham reported that when leadership met with the Governor a month or so ago they discussed the issue relative to the State Superintendent being appointed by the Governor. They made a determination that Superintendent Harrington will attend the Governor's Cabinet Council meetings which are generally held on Friday. If it is on the Friday of Board Meeting she will attend for a period of time until Board meeting commences.

_____(For complete details of the Executive Officer Report see General Exhibit No. 10424.)

Legislative Update

The Board has requested that a brief update of legislative activity be given in each board meeting between now and next March. The update is intended to ensure that Board members are adequately informed of the critical issues that are or may be before the Utah Legislature. Additionally, interim Board meetings may be set to provide for timely information and decisions during the legislative session.

Associate Superintendent Larry Shumway reviewed the Tracking Sheet, demonstrated how to navigate to bills from the USOE website and a legislative update. Dr. Shumway reported that early discussions of available revenue indicate that the legislature may have at its disposal amounts approaching or in excess of \$300 million in both on-going and one-time funding. The Board may wish to consider recommendations for appropriations of these funds.

Dr. Shumway then reviewed some of the early legislation being proposed.

(For complete details see General Exhibit No. 10425.)

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Motion was made by Member Debra G. Roberts and seconded by Member Richard Moss that the Board support the proposed bills relating to ProExcel with the exception of item D, Educator Relicensure Initiative. Motion carried with Members Allen, Cannon, Cluff, Colbert, Gregory, Haws, Jensen, Mackey, MOrrill, Moss, Roberts, Sadler and Theurer voting in favor; Member Brown opposed.

Motion was made by Member Debra G. Robert and seconded by Member Richard Moss that the Board support the concept of looking at the pilot programs modifying the traditional school year calendar and extending teacher contracts. Motion carried unanimously.

Board Chairman Report

Chairman Kim R. Burningham presented the following items of information:

Member Greg Haws commented relative to the election on Referendum 1. He indicated that he had a lot of people asking what the Board is going to do now. He responded by listing all the things the Board has been doing. He stated it is natural, because of the political nature of our position, to overreact and we misunderstand what our citizens are asking for. He suggested we not get caught in the negative and just tell some of the wonderful things we are doing.

Member Dixie Allen distributed USBA/USSA Legislative Priorities.

The Adolescent Literacy Grant Conference was held and it was highly popular. They had to turn people away.

NASBE - Member Mark Cluff reported that at the end of the annual conference there was not a quorum present so they approved the changes to the bylaws knowing they need to be ratified by a vote in the future. They are looking at when study groups meeting in January or the during Legislative Conference in March.

Chairman Burningham reported that Brenda Welburn has penciled in April 3 for coming to Salt Lake City for Strategic Planning with the Board. This will be something the new leadership will need to discuss to see if they still would like this to happen. Members Bill Colbert and Dixie Allen are both on different study groups and Richard Sadler continues on GAC.

We had a meeting with the Governor in mid November. It was one of the most candid meetings we have ever held. The Board is invited to the presentation of the Governor's budget recommendations on December 10.

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On January 15 the Governor has invited the State Board of Education members for lunch at the Governor's Mansion at 11:45 a.m. We must submit for catering and approved guest list to get into the mansion

January 15 - Governor has invited the State Board of Education for lunch at the Governor's mansion at 11:45 a.m. We must submit for catering and approved guest list. Twila will follow-up to see who is planning to attend.

January 10 - 12 - is the Utah School Boards Association convention. We will have a combined dinner between our board and their Board of Directors on Thursday evening, January 10. The meetings then begin on the 11th with a banquet on that evening.

The next Board Leadership meeting is scheduled for December 27th. It will include the old and new leadership for the first couple of hours and then the new leadership will meet after that. Part of that meeting will include the committee assignments and Twila will be distributing materials in that regard.

Chairman Burningham reported that the Citizen's for Education Excellence Committee is on January 7. They are working with legislators and the Governor strongly supporting appropriations for ELL, ProExcel and the suggestions of the K-16 Alliance as well as the math initiative.

Chairman Burningham noted that the re-election of State Board Members will be in November of 2008. The filing window is March 7 - 17, 2008. He strongly suggested that if the members who are up for re-election this time remember to send in your financial disclosures on time

Chairman Burningham reported that the State Board Selection Committee has been named and he attended their first meeting. Chris Kearl from the Governor's Office conducted the meeting and gave them a charge to recruit people. They will be meeting again on May 2 at 1:00 p.m. He has insisted these meeting be open and that the process is very open.

Member Randall Mackey suggested that the filing deadlines as well as financial disclosure deadlines be posted on our website.

General Consent Calendar

Motion was made by Member Janet A. Cannon and seconded by Member Teresa L. Theurer to approve the General Consent Calendar as presented. Motion carried unanimously.

1. Minutes of Previous Meeting

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2. Contracts

The following contracts were approved by the Board:

(A) University of Utah SRI. \$83,622. 7/1/07-6/30/08. - Amend. - Fed.

Evaluation of the Utah State Office of Education's Prevention Dimensions Program.

(B) Sky Harbor Apartments. \$8,700. 1/1/08-1/1/08. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(C) Sky Harbor Apartments. \$8,700. 1/1/08-12/31/08. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(D) Sky Harbor Apartments. \$8,700. 1/1/08-12/31/08. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(E) Sky Harbor Apartments. \$8,700. 1/1/08-12/31/08. - Amend.

Rental of this unit will provide housing for DSBVI students while attending the training and adjustment and learning maximum independent living skills classes.

(F) NCS Pearson, Inc. \$1,181,337. 9/30/08-8/31/09. - Amend. - Fed.

To provide test development services for grades 1-11. In January, 2007 the piloting and operational administration of the grade 1 ELA CRT will be discontinued and a credit has been applied to the budget. Also the development of secondary ELA passages and items, the production of these passages and items into field-test sections, and the printing, packaging, and distribution of any needed paper-based 2009 ELA CRT tests and TAMS.

(G) Department of Workforce Services. \$93,871.15. 10/31/07-10/31/08. - Amend. - Fed.

To provide an onsite Benefits Specialist to the Departments Central Reg.

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(H) Datametrics, Inc. \$91,000. 10/1/07-6/30/12. - Fed.

Datametrics will continue to research recidivism rates for offenders chosen to be part of a special post-secondary education program authorized and funded by the U.S. Department of Education.

(I) Department of Workforce Services. \$200,000. 10/1/07-9/30/08. RECEIVABLE

To provide funding to expand existing ESL programs that focus on the needs of refugees – focused in Salt Lake County due to the high concentration of newly arriving refugees being resettled.

(J) Payson I, L.C. \$79,586.85. 12/1/07-4/30/13. - Amend. - Fed.

To lease office space for the Division of Rehabilitation Services located at 914 E 100 N., Payson, Utah.

(For complete details see General Exhibit No. 10426.)

3. Educator Licensing Requests for Temporary Authorizations

Requests for Temporary Authorizations as submitted by the school districts were approved by the State Board of Education. (For complete details see General Exhibit No. 10427.)

4. Delivery of Flow Through Money, R277-423

Delivery of Flow Through Money, R277-423 has been revised and updated as a result of the normal five-year reauthorization process. Minor changes were made to the rule and the Board approved R277-423, on second reading at its November 9, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-423, Delivery of Flow Through Money on third and final reading. (For complete details see General Exhibit No. 10428.)

5. Standards for School District, School and Charter School Discipline Plans, R277-609

H.B. 286, School Discipline and Conduct Amendments, 2007 Legislature, requires school districts/schools to include language regarding disruptive student behavior in their discipline plans. The amended rule requires schools districts/schools (including charter schools) to develop and implement school management and discipline strategies and policies. The amended rule provides a definition of disruptive student behavior, provides for parent/guardian notification and participation in addressing disruptive student behavior, and provides for the development of USOE model policies.

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The Board approved the amendments to R277-609, Standards for School District, School and Charter school Discipline Plans on second reading at its November 9, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved Standards for School District, School and Charter School Discipline Plans, R277-609 on third and final reading. (For complete details see General Exhibit No. 10429.)

6. Charter Schools, R277-470

Initially, charter schools did not have a specified timeline for opening a school, and several schools were approved less than six months prior to opening their doors. While some schools were capable of making this fast transition, other schools suffered, and continue to suffer because of accelerated timelines. In the 2006-2007 school year, only two of the 13 permanent charter school facilities were completed on time to open doors prior to October 1. Many schools had to meet in temporary facilities and one school opened after October 1.

Upon review of R277-470-7 Timelines, Charter School Starting Date, the State Charter School Board desired to include the date of January 1 of the year the school is scheduled to open as the deadline for acquiring a facility and entering into a written agreement, breaking ground for a new facility or beginning construction for the renovation of an existing facility.

Amendments to R277-470-7 were made and approved on second reading by the Board at its November 9, 2007 meeting. There have been no substantive changes to the rule since that time. The Board approved R277-470-7, Charter Schools on third and final reading. (For complete details see General Exhibit No. 10430.)

7. Administrative Rule Review

Under provisions of 63-45a-9, U.C.A. 1953, all administrative rules shall be reviewed every five years. There may be minor non-substantive changes within these rules. The following rules were reviewed and approved:

R277-518	Applied Technology Education Licenses
R277-600	Student Transportation Standards and Procedures
R277-605	Coaching Standards and Athletic Clinics
R277-610	Released-Time Classes for Religious Instruction
R277-700	The Elementary and Secondary School Core Curriculum
R277-702	Procedures for the Utah General Educational Development Certificate
R277-709	Education Programs Serving Youth in Custody
R277-718	Utah Career Teaching Scholarship Program
R277-730	Alternative High School Curriculum

(For complete details see General Exhibit No. 10431.)

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8. USBE Annual Calendar

The Utah State Board of Education Annual Calendar for 2007 is provided for information to the Board. (For complete details see General Exhibit No. 10432.)

9. State Charter School Board Recommendations for Charter School Amendments

On November 15, 2007 the State Charter School Board approved to recommend to the State Board of Education that Liberty Academy amend its charter to remove any reference to "George Washington Academy" (original name), amend the Articles of Incorporation and Bylaws to reflect better governance practice, modifying the term of the CAO and other governing board officers, streamlining the governance structure, and bringing its purchasing policies and procedures in line with State guidelines.

The State Board of Education approved the amendments to the Lincoln Academy Charter School. (For complete details see General Exhibit No. 10433.)

10. Monthly Budget Report

The Monthly Budget Report provides information to the Board in meeting its fiduciary responsibilities toward the Utah State Office of Education, the Utah State Office of Rehabilitation and the Utah Schools for the Deaf and the Blind. (For complete details see General Exhibit No. 10434.)

11. Advisory Committees - Notice of Vacancies

The following vacancies occur on the Governor's Committee on Employment of People with Disabilities:

10 People representing business organizations

12. Visually handicapped Trust Fund Expenditures

The Division of Services for the Blind and Visually Impaired Council unanimously approved the following grants to be paid out of. The Visually handicapped Trust Fund interest:

Braille Resource & Literacy Center - \$3,871 - Braille Service Project
NFB of Utah - Parents of Blind Children - \$3,633 - "Transitioning to Independence"
NFB of Utah - Science Camp - \$3,484 - "Science without Sight is Exciting"
NFB of Utah - Student Division - \$1,489 - "Technology is the Future"
NFB of Utah - Utah Network for Mentoring Excellence - \$4,466
Ogden Association of the Blind - \$3,311 - "Finding a Way"
Ogden Association of the Blind - \$2,978 Transportation Services
Palisade Pals - \$1,191

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UCB - Braille Literacy Project - \$4,764
UCB - Subsidized Cab Coupon Program - \$3,573
UCB - Ceramics Class - \$1,787
UCB - No Title Sheet (Table Tennis for the Blind) - \$2,084
Utah Foundation for the Blind - Adult Goalball Program - \$2,978
Utah Industries for the Blind - UWIN Program - \$387

Total	\$39,996
Total Available Grant Money	\$40,000

13. List of Applicants for Licenses

The list of applicants for initial and renewal licenses was approved by the Board.
(For complete details see General Exhibit No. 10435.)

14. Claims Report

The Claims Report in the amount of \$368,306,551.81 for November 30, 2007 was approved by the Board. (For complete details see General Exhibit No. 10436.)

Election for Vice Chairman of the Board.

Chairman Burningham opened the floor for nominations for Vice Chairman of the Board.
Member Greg Haws nominated Mark Cluff. Michael Jensen seconded the nomination.
Member Denis Morrill nominated Randall Mackey. Member Teresa Theurer seconded the nomination.

A Secret Ballot was held and by a majority vote Mark Cluff was elected vice-chair

Utah School Boards Board of Directors

Motion was made by Member Laurel Brown and seconded by Member Dixie Allen to elect Kim Burningham to represent the Board on the Utah School Boards Board of Directors. Motion carried unanimously.

Recognitions

Chairman Burningham reported that CMAC changes their chair every year. Cyndee has been a wonderful member of our board. She has served in superior ways. She has made addition very well. He expressed deep appreciate to Ms. Miya for her dedicated service. Chairman Burningham presented Ms. Miya with the traditional school bell.

Chairman Burningham reported that Ms. Miya will be replaced by Charlene Lui.

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Member Miya expressed appreciation for such a wonderful opportunity to serve on the Board . She indicated that it has been inspiring to see how you agree to disagree and the thoughtfulness of each other has been heartwarming.

She stated that we are all fighting for the kids. She expressed appreciation for the opportunity to serve.

Chairman Burningham recognized Janet Cannon for her service a vice-chairman for the past seven years. Vice Chairman Cannon was presented a crystal vase plaque indicating her service as Vice Chairman.

Vice Chairman Janet Cannon recognized Kim Burningham for his service as chairman for the past seven years. .

Vice Chairman Cannon asked Board Members and staff to take an opportunity to say a couple of words about Chairman Burningham that would represent his term in office.

Vice Chairman Janet Cannon summarized the comments to Chairman Burningham that he: values people, is gracious and respectful, ultimate diplomat, has political prowess, a passion for education, a sense of humor, incredible people skills, puts people over process, Old World Gentleman; value his friendship, politician, concern for everyone, enthusiasm, dedication, fights for what he believes in, strong principles and integrity.

A wooden gavel was presented to Chairman Burningham

Chairman Burningham stated that he deeply loved and appreciated all of the Board Members. He commented that during his service in the State Legislature for 15 years and there were some of his colleagues he did not care for. However, he has enjoyed working with all of the members of the State Board and the State Office of Education staff.

Motion to adjourn was made by Member Teresa L. Theurer. Meeting adjourned at 3:30 p.m.